

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**RUTH SMITH**, individually and on behalf of  
all others similarly situated,

*Plaintiff,*

v.

**SUNPATH, LTD.**, a Massachusetts  
corporation,

*Defendant.*

**Case No. 1:22-cv-00081 (LMB/TCB)**

**DEFENDANT SUNPATH, LTD.’S RULE 26(a)(3) PRETRIAL DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and this Court’s Scheduling Order of August 5, 2022 (ECF 25), Defendant SunPath, Ltd. (“SunPath”), by counsel, hereby submits the following list of witnesses, deposition designations, and exhibits for use at trial in this matter:

**1. The name, and if not previously provided, the address and telephone number of each witness – separately identifying those the party expects to present and those it may call if the need arises:**

<b>Witness Name</b>	<b>Will Call</b>	<b>May Call</b>
Ruth Smith	X	
Andrew Garcia – Corporate Designee of SunPath, Ltd.	X	
Kobi Chukran – Corporate Designee of Chukran Management Group d/b/a American Protection (by deposition designation)		X
Defendant reserves the right to call other witnesses named in Plaintiff’s Rule 26(a)(3) Pretrial Disclosures.		X

2. The designation of those witnesses whose testimony the party expects to present by deposition, and, if not taken stenographically, a transcript of the pertinent parts of the deposition:

Deponent/Witness Name	Page:Line Number
Kobi Chukran – Corporate Designee of Chukran Management Group d/b/a American Protection (should Mr. Chukran not appear as a witness at trial)	Deposition Transcript Volume 1: 19:3 to 27:22; 29:9 to 30:7; 31:4 to 52:1; 60:6 to 63:3; 73:22 to 79:25; 80:19 to 89:18; 92:14 to 94:3; 99:23 to 107:18 Deposition Transcript Volume 2: 138:8 to 144:12; 145:24 to 152:16; 155:7 to 162:8; 165:9 to 171:17; 176:24 to 179:14; 180:8 to 185:13; 186:2-23; 189:3 to 193:13; 195:25 to 203:22; 205:8 to 210:3; 212:12 to 226:21; 228:6 to 237:5; 237:18 to 243:1; 244:5 to 246:8; 247:14-17; Exhibits 1-20

Defendant reserves the right to use additional deposition testimony for the purposes of impeachment or any other purpose permitted by the Federal Rules of Civil Procedure.

3. An identification of each document or other exhibit, including summaries of other evidence separately identifying those the party expects to offer and those it may offer if the need arises:

Exhibit	Bates No.	Description	Expect to Offer	May Offer
1.	Produced by American Protection (SunPath received via Plaintiff)	Contract between American Protection and SunPath	X	
2.	ECF No. 19-1	Form SunPath Call Center Marketing Agreement with attached Standards of Conduct	X	
3.	Produced by Plaintiff (not marked)	Plaintiff's Rule 26(a) Initial Disclosures		X
4.	Produced by Plaintiff (not marked)	Plaintiff's First Supplemental Rule 26(a) Initial Disclosures		X

5.	Produced by Plaintiff (not marked)	Plaintiff's Second Supplemental Rule 26(a) Initial Disclosures		X
6.	Produced by Plaintiff (not marked)	Plaintiff's First Responses and Objections to SunPath's Discovery Requests		X
7.	Produced by Plaintiff (not marked)	Plaintiff's First Supplemental Responses to SunPath's Discovery Requests		X
8.	Produced by Plaintiff (not marked)	Plaintiff's Second Supplemental Responses to SunPath's Discovery Requests		X
9.	Produced by Plaintiff (not marked)	Plaintiff's Third Supplemental Responses to SunPath's Discovery Requests		X
10.	Produced by Defendant (not marked)	SunPath's First Objections and Responses to Plaintiff's Discovery Requests		X
11.	Produced by Defendant (not marked)	SunPath's Supplemental Objections and Responses to Plaintiff's Discovery Requests		X
12.	SUNPATH_SMITH_ 00001-8	Emails between SunPath and American Protection	X	
13.	SMITH_00001-20	Screenshots of Plaintiff's iPhone Calls		X
14.	SMITH_000031-36	Plaintiff's Notes Describing Calls Received		X
15.	SMITH_000022-26; SMITH_000029-30	Emails between Plaintiff and American Protection	X	
16.	Produced by Plaintiff (not marked)	Plaintiff's Subpoena to American Protection		X
17.	Produced by American Protection (SunPath received via Plaintiff)	American Protection's Written Response to Plaintiff's Subpoena		X
18.	Produced by American Protection (SunPath received via Plaintiff); Ex. 6 to American Protection Deposition Transcript	American Protection's Do Not Call Policy	X	

19.	Produced by American Protection (SunPath received via Plaintiff); Ex. 4 to American Protection Deposition Transcript	American Protection's Sales Script	X	
20.	Produced by American Protection (SunPath received via Plaintiff); Ex. 5 to American Protection Deposition Transcript	American Protection Corp. Sales Rules	X	
21.	Produced by American Protection (SunPath received via Plaintiff); Ex. 11 to American Protection Deposition Transcript	American Protection Postcard	X	
22.	Produced by American Protection (SunPath received via Plaintiff); Ex. 10 to American Protection Deposition Transcript	American Protection Letter Advertisement		X
23.	Produced by American Protection (SunPath received via Plaintiff); Ex. 8 to American Protection Deposition Transcript	American Protection's Sample Subcontractor Agreement	X	

24.	Produced by American Protection (not marked); Ex. 9 to American Protection Deposition Transcript	Screenshots of American Protection's Inline CRM System	X	
25.	Produced by American Protection (not marked); Ex. 12 to American Protection Deposition Transcript	American Protection's Subcontractor Proposal with Samantha Jaeger		X
26.	Referenced in American Protection Deposition Day 2 at 212:6-17	Screenshot of American Protection's Website's Marketing Partners Page		X
27.	Produced by Plaintiff (not marked); Ex. 19 to American Protection Deposition Transcript	Screenshots from Florida Department of Financial Services Page		X
28.	Produced by Plaintiff (not marked)	Plaintiff's Subpoena to Verizon		X
29.	Produced by Plaintiff (not marked)	Verizon Response to Plaintiff's Subpoena		X
30.	Produced by Plaintiff (not marked)	Plaintiff's Subpoena to AT&T		X
31.	Produced by Plaintiff (not marked)	AT&T's Response to Plaintiff's Subpoena		X
32.	Produced by Plaintiff (not marked)	Plaintiff's Subpoena to Lumen		X
33.	Produced by Plaintiff (not marked)	Lumen's Response to Plaintiff's Subpoena		X
34.	Produced by Plaintiff (not marked)	Plaintiff's Subpoena to Five9, Inc.		X
35.	Produced by Plaintiff (not marked)	Five9, Inc.'s Written Response to Plaintiff's Subpoena		X
36.	Produced by Plaintiff (not marked)	List provided by Five9, Inc., of Caller IDs Associated with American Protection		X
37.	Produced by Plaintiff (not marked)	Logs Produced by Five9, Inc. in Response to Plaintiff's Subpoena		X

38.	Produced by SunPath (not marked)	Summary of records relating to Plaintiff's Phone Number extracted from Five9 records		X
-----	-------------------------------------	--	--	---

Defendant reserves the right to introduce any exhibits identified by Plaintiff and any documents for impeachment or rebuttal evidence.

**Use of Demonstrative Evidence**

Defendant may use demonstrative evidentiary techniques at trial. This may include the use of a jury notebook (selecting certain exhibits and making copies in a binder for the jurors), enlarged exhibits, and the use of drawings, colors, charts, summaries, or highlighting of portions of select exhibits. Defendant further reserves the right to supplement these disclosures pursuant to Rule 26(e).

December 14, 2022

Respectfully Submitted,  
**SUNPATH, LTD.**

By Counsel

/s/ Gregory M. Caffas  
Gregory M. Caffas (VSB No. 92142)  
Mitchell N. Roth (VSB No. 35863)  
ROTH JACKSON  
8200 Greensboro Drive, Suite 820  
McLean, VA 22314  
(703) 485-3535  
(703) 485-3525 (fax)  
gcaffas@rothjackson.com  
mroth@rothjackson.com

Joseph P. Bowser (VSB No. 88399)  
ROTH JACKSON  
1519 Summit Ave., Ste. 102  
Richmond, VA 23230  
804-441-8701  
804-441-8438 (fax)  
jbowser@rothjackson.com

*Counsel for SunPath, Ltd.*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the above and foregoing DEFENDANT SUNPATH LTD.'S  
RULE 26(a)(3) PRETRIAL DISCLOSURES to be served upon counsel of record in this case via  
the U.S. District Court CM/ECF System on December 14, 2022.

/s/ Gregory M. Caffas  
Gregory M. Caffas